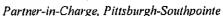
## Kenneth Komoroski





Southpointe Energy Complex • 370 Southpointe Boulevard, Suite 300 • Canonsburg, Pennsylvania 15317

kkomoroski@fulbright.com • Direct: 724 416 0420 • Main: 724 416 0400 • Facsimile: 724 416 0404

January 30, 2013

United States Environmental Protection Agency Region III Oil and Prevention Branch (3HS61) 1060 Chapline Street Wheeling, WV 26003

Dear Sir or Madam:

We are in receipt of a letter from the United States Environmental Protection Agency ("EPA") dated January 14, 2013 addressed to Range Resources — Appalachia, LLC ("Range") in which EPA explains that it "has received information that you discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act ...." We have been asked to respond to EPA's letter on behalf of Range.

EPA's letter refers to "December 10 and 11, 2012 – Carter Impoundment, 301 Fort Cherry Rd., Mount Pleasant, Washington County, PA" as the dates and location for an asserted incident. Because Range strives to cooperate with state and federal environmental agencies, a thorough investigation was performed to evaluate the assertion in EPA's letter. We are pleased to inform you that the information EPA received is incorrect – there was no such discharge at or near that location on those dates, or at any time as best we can determine.

During December 2012, Range was actively engaged in an upgrade to its secondary containment system for the weir tanks at the Carter Impoundment and Range and its contractors were routinely working there. Thus, because there were several workers at the location during December 2012 and because the site was routinely inspected by Range environmental personnel, we are able to confidently confirm that there was no discharge of "oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act." (As you know, Section 311(b)(3) of the Federal Water Pollution Control Act addresses the discharge of oil or hazardous substances into or upon the navigable waters of the United States in such quantities as may be harmful as determined by the President. In fact, there are no "navigable waters of the United States" on the property where the Carter Impoundment is located.) In order to allow for the best possible understanding of activities at the Carter Impoundment and to help reassure EPA that no incident occurred or could have occurred, the following further description of site activities is provided.

As mentioned above, Range was in the process of removing the existing secondary containment system that had been installed beneath and around the weir tanks at the Carter Impoundment in order to allow replacement and upgrade of the secondary containment system. Weir tanks are used to allow the safe and efficient introduction of water into the impoundment and these weir tanks operate with underflow and overflow weirs as part of the tanks' integral design. Range had decided to improve upon the existing secondary containment system as a voluntary undertaking. There was and is no regulatory requirement to do so. Thus, this work was and is being performed as part of Range's continuing efforts for improvement of environmental protection measures.

In order to accomplish the secondary containment upgrade, the weir tanks were first emptied and cleaned. Next, the liner and subgrade protective liner were removed. As per Range's standard operating practices, visible observations and a soil probe capable of measuring conductivity were used to initially evaluate soil conditions beneath the liner, immediately after the liner and liner protective fabric were removed. The visual observations and soil probe evaluation confirmed that no significant leak or spill had occurred.

In order to prepare the location for the upgraded liner installation, it was necessary to remove approximately 1 and ½ feet of soil in the area where the weir tanks are located. Excavated soil from this area was placed into roll-off containers. It is also Range standard operating procedure to evaluate removed soil to determine if the soils can be re-used on site. Thus, the roll-off containers were staged at a nearby well location while further evaluation and testing of soil conditions were being conducted.

EPA's letter specifically asks about December 10 and 11, 2012. No work was occurring at the Carter Impoundment location on December 10 and 11, 2012 due to rain events. Work resumed on December 12, 2012. However, there is no indication that any release or discharge could have or in fact did occur during December 10 or 11, 2012 or that a discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act occurred at any time at or near this location.

In conclusion, because Range did not discharge oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, it is not required to provide a response to the EPA's January 14, 2013 letter. Nonetheless, Range has voluntarily decided to provide this response and the attached information in the spirit of cooperation and to ensure that environmental agencies have sufficient information to close this inquiry. Please note

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that while Range strives to work cooperatively with all regulatory officials, Range respectfully reserves its rights to assert that any future inquiries or actions are unlawful and beyond the scope of EPA's authority.

Sincerely,

Kenneth Komoroski

KSK/blc

The January 14, 2013 request for information (the "Request") of the United States Environmental Protection Agency ("EPA") seeks to obtain information regarding an alleged discharge by Range Resources-Appalachia, LLC ("Range") of oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at the Carter Impoundment, 301 Fort Cherry Road, Mount Pleasant, Washington County, Pennsylvania on or about December 10 and 11, 2012. There has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

The Request was issued under the auspices of obtaining information regarding a possible violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3). Section 311(b)(3) prohibits discharges of hazardous substances into or upon the navigable waters of the United States in such quantities as may be harmful as determined by the President. No discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act occurred. Thus, EPA's Request is without legal basis under the identified statutory or regulatory authority. Notwithstanding the lack of legal authority for the Request, Range voluntarily provides the following information in order to assist federal and state environmental agencies and to allow for the prompt closure of this inquiry. Also, to the extent the Request seeks information not specifically pertaining to this incident, such information requests are both beyond the EPA's investigatory authority as provided by 33 U.S.C. § 1321(b)(3) and unreasonable under the circumstances.

EPA should not and may not consider or interpret this voluntary response and information as an admission or agreement of any obligation on the part of Range to provide any such information, notwithstanding it is referred to below as a "response" to each question included in EPA's letter.

## RESPONSES

- 1. Identify all substances released from the Facility in connection with the above referenced discharge, Specifically, identify:
  - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
  - b. For oils, identify the type and grade;
  - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
  - d. Provide the solubility and specific gravity of each substance discharged.

Range further reserves the right to object to any Request for any reason not expressly set forth herein, including, but not limited to, as seeking irrelevant information, as seeking privileged documents or information, as overly broad and unduly burdensome, and as seeking expert opinions and/or legal conclusions.

violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.

**Response:** There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.

violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

**Response:** There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.

violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

- 14. For all discharges of <u>oil</u> to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
  - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
  - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
  - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
  - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.

**Response:** There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

17. Identify the effect of the spill(s) on any water supply and give details if available (e.g.,

shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time. The Carter Road Impoundment does not have and is not required to have an NPDES Permit.

19. If the substance(s) was discharged from an outfall, state whether the <u>outfall</u> was covered by an NPDES permit issued pursuant to Section 402 of the Act.

**Response:** There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.

**Response:** There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

24. List the names, addresses, telephone numbers, and affiliations (e.g., name of the governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility. In responding to this question, for each complaint by an individual you have received related to your operations at the Facility, provide the person's name and phone number, as well as any written record of that complaint or a written narrative describing any oral complaint; Provide any subsequent communications with the party(ies) that filed the complaint.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

On December 12, 2012, the Mt. Pleasant Township Zoning Officer, a Mt. Pleasant Township Police Officer and some members of the Mt. Pleasant Township Fire Department visited the Carter Impoundment location in response to a resident's complaint to the Township. Range has no further information as to the identity of the complainant.

25. Provide the date on which operations began at the Facility.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

Operations began at the Carter Impoundment in 2010.

26. Provide the name(s) and address(es) of the owner(s) of the Facility described above in Question 25.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter

Impoundment in Washington County, Pennsylvania at any time.

Range Resources - Appalachia, LLC owns and operates the equipment at the Carter Impoundment.

27. Provide the name and address of the operator(s) of the Facility described above in Question 25 and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

Range Resources - Appalachia, LLC owns and operates the equipment at the Carter Impoundment.

28. For production facilities, identify all prior owners and operators of the production facilities identified in response to Question 25.

Response: There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

There are no prior owners or operators of the equipment at the Carter Impoundment.

- 29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last 3 years. For each such release, provide the following:
  - a. date;
  - b. duration of the release;
  - c. substance(s) released;
  - d. the approximate quantity of the substance(s) released;
  - e. the cause of the release;
  - f. the location of the release;
  - g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
  - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
  - i. Whether any persons were provided with an alternative water supply; and
  - j. All persons with information related to these releases.

violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time, thus there can be no "other" leaks, spills or releases. A 1 and ½ gallon spill of hydraulic fluid occurred when a roll-off truck hydraulic hose leaked on December 12, 2012. This very minor spill occurred more than 250 feet from any stream or intermittent stream. The spilled material was immediately contained and cleaned up.

Describe the storage units at the Facility (e.g., above ground tanks or underground 30. tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.

There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

Range operates the Carter Impoundment with four weir tanks and a lined impoundment.

Does the owner/operator of the Facility have in place a Spill Prevention, Control 31. and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?

There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

Range has a Preparedness, Prevention, and Contingency (PPC) Plan for the Carter Impoundment operation. The PPC Plan fulfills any federal or state requirements for spill prevention, control and countermeasures.

Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank 32. trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.

There was and has been no discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act at or near the Carter Impoundment in Washington County, Pennsylvania at any time.

Range has a Preparedness, Prevention, and Contingency (PPC) Plan for the Carter Impoundment operation. The PPC Plan fulfills any federal or state requirements for spill prevention, control and countermeasures.

List any other information you wish to bring to the attention of the federal government 33. at this time related to this matter.

EPA's letter refers to "December 10 and 11, 2012 - Carter Impoundment, 301 Fort Cherry Rd., Mount Pleasant, Washington County, PA" as the dates and location for an asserted incident. Because Range strives to cooperate with state and federal environmental agencies, a thorough investigation was performed to evaluate the assertion in EPA's letter. We are pleased to inform you that the information EPA received is incorrect – there was no such discharge at or near that location on those dates, or at any time as best we can determine.

During December 2012, Range was actively engaged in an upgrade to its secondary containment system for the weir tanks at the Carter Impoundment and Range and its contractors were routinely working there. Thus, because there were several workers at the location during December 2012 and because the site was routinely inspected by Range environmental personnel, we are able to confidently confirm that there was no discharge of "oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act." (As you know, Section 311(b)(3) of the Federal Water Pollution Control Act addresses the discharge of oil or hazardous substances into or upon the navigable waters of the United States in such quantities as may be harmful as determined by the President. In fact, there are no "navigable waters of the United States" on the property where the Carter Impoundment is located.) In order to allow for the best possible understanding of activities at the Carter Impoundment and to help reassure EPA that no incident occurred or could have occurred, the following further description of site activities is provided.

As mentioned above, Range was in the process of removing the existing secondary containment system that had been installed beneath and around the weir tanks at the Carter Impoundment in order to allow replacement and upgrade of the secondary containment system. Weir tanks are used to allow the safe and efficient introduction of water into the impoundment and operate with underflow and overflow weirs as part of the tanks' integral design. Range had decided to improve upon the existing system as a voluntary undertaking. There was and is no regulatory requirement to do so. This work was and is being performed as part of Range's continuing efforts for improvement of environmental protection measures.

In order to accomplish the secondary containment upgrade, the weir tanks were first emptied and cleaned. Next, the liner and subgrade protective liner were removed. As per Range's standard operating practices, visible observations and a soil probe capable of measuring conductivity were used to initially evaluate soil conditions beneath the liner, immediately after the liner and liner protective fabric were removed. The visual observations and soil probe evaluation confirmed that no significant leak or spill had occurred.

In order to prepare the location for the upgraded liner installation, it was necessary to remove approximately 1 and ½ feet of soil in the area where the weir tanks are located. Excavated soil from this area was placed into roll-off containers. It is also Range standard operating procedure to evaluate removed soil to determine if the soils can be re-used on site. Thus, the roll-off containers were staged at a nearby well location while further evaluation and testing of soil conditions were being conducted.

EPA's letter specifically asks about December 10 and 11, 2012. No work was occurring at the Carter Impoundment location on December 10 and 11, 2012 due to rain events. Work resumed on December 12, 2012. However, there is no indication that any release or discharge could have or in fact did occur during December 10 or 11, 2012 or that a discharge of oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act occurred at any time at or near this location.

In conclusion, because Range did not discharge oil and/or hazardous substances in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, it is not required to provide a response to the EPA's January 14, 2013 letter. Nonetheless, Range has voluntarily decided to provide this response and the attached information in the spirit of cooperation and to ensure that environmental agencies have sufficient information to close this inquiry. Please note that while Range strives to work cooperatively with all regulatory officials, Range respectfully reserves its rights to assert that any future inquiries or actions are unlawful and beyond the scope of EPA's authority.

On December 12, 2012, Range learned that the National Response Center had received a communication asserting that foam was observed in a nearby stream. Range personnel inspected and sampled the stream upstream and downstream of its operations. No foam was observed anywhere on or near the stream. Sample results confirmed that no material from any source had reached or impacted the stream.